From: iba [iba@isomedia.com]

Sent: Wednesday, September 12, 2012 12:24 PM

To: GA SBCC (GA)

Subject: Comments To Proposed Changes To WAC 51-50-1204.2.3

September 12, 2012 Ray Allshouse, Chair State Building Code Council P.O. Box 41449 Olympia, WA 98504-41449

Dear Chairman Allshouse and Members Of The State Building Code Council:

The IBA supports the change to WAC 51-50-1204.2.3 that exempts cook stoves from the definition of solid fuel burning device. This change is consistent with RCW 70.94.453(2) that exempts cook stoves from the definition of woodstove, and WAC 70.94.453 (5) defines a solid fuel burning devices as including wood stoves.

The IBA also recommends revisions to WAC 51-50-1204.2.3 as proposed. As now proposed, WAC 51-5-1204.2.3 states, "EXCEPTION: ((Antique)) 1. Wood cook stoves ((and)). 2. Wood heaters ((manufactured prior to 1940))"

The term "wood heater" is defined in statute as a solid fuel burning device in RCW 70.94.453(5). Thus, the revision to WAC 51-50-1204.2.3 as now proposed is circular. The body of the WAC limits what solid fuel burning devices can be installed in Washington State, but then it exempts wood heaters which allow the installation of effectively any solid fuel burning device.

Also, as written, WAC 50-51-1204.2.3 fails to recognize the fact that RCW 70.94.457 is more restrictive on what wood stoves may be installed in Washington State than the federal wood stove certification regulations. Washington's statutes limit emissions to 4.5 grams per hour for non-catalytic stoves and 2.5 grams for catalytic stoves while federal wood stove certifications allow stoves with emissions of 7.5 grams per hour for non-catalytic wood stoves and 4.1 grams per hour for catalytic wood stoves.

Also, as written, WAC 50-51-1204.2.3 does not recognize the Building Code rule WAC 51-50-31200 which is the product of RCW 70.94.457(1)(b) and (c). RCW 70.94.457(1)(b) and (c) directed the Building Code Council to set up the criteria and procedures for testing and approving both factory built fireplaces and masonry heaters that are acceptable to be installed in Washington State. Those requirements are contained in WAC 51-50-31200.

Thus, we propose that the State Building Code Council revise its changes to WAC 50-51-1204.2.3 to read as follows to address all of these issues.

1204.2.3 Solid fuel burning devices. No new or used solid fuel burning device shall be installed in new or existing buildings unless such device <u>meets the requirements of RCW 70.94.457</u> is <u>United States Environmental Protection Agency certified or a pellet stove either certified or exempt from certification by the United States Environmental Protection Agency</u>.

EXCEPTION: ((Antique)) 1. Wood cook stoves ((and)). 2. Wood heaters ((manufactured prior to 1940))

As an alternative to the RCW reference revision proposed above, below is a draft non-RCW reference solution.

1204.2.3 Solid fuel burning devices. No new or used solid fuel burning device shall be installed in new or existing buildings unless such device: is United States Environmental Protection Agency certified or a pellet stove either certified or exempt from certification by the United States Environmental Protection Agency.

(a) Meets the following particulate air contaminant emission standards under the test methodology of the United States environmental protection agency in effect on January 1, 1991, or an equivalent standard under any test methodology adopted by the United States environmental protection agency subsequent to such date: (i) Two and one-half grams per hour for catalytic woodstoves; and (ii) four and one-half grams per hour for all other solid fuel burning devices. For purposes of this subsection, "equivalent" shall mean the emissions limits specified in this subsection multiplied by a statistically reliable conversion factor determined by the department of ecology that compares the difference between the emission test methodology established by the United States environmental protection agency prior to May 15, 1991, with the test methodology adopted subsequently by the agency. Subsection (a) of this subsection does not apply to fireplaces, or

(b) Factory built fireplaces and masonry heaters must meet the requirements of WAC 51-50-31200

(c) Subsection (a) of this section shall not apply to fireplaces.

EXCEPTION: ((Antique)) 1. Wood cook stoves ((and)).

2. Wood heaters ((manufactured prior to 1940))

Thank you,

Gary Smith Executive Director Independent Business Association 360-485-3336